THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2190 of 2007

13.2.2007

Between:

Venkataramanappa, S/o.Venkataramaiah

... Petitioner

AND

The District Collector, Ananthapur District
And another

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2190 of 2007

ORDER:

The petitioner is resident of Peddapalli H/o.R.Anantapur village of Madakasira Mandal in Anantapur District. Statedly he owns agricultural lands admeasuring Acs.0.60 in survey No.174/2 and Acs.2.90 in survey No.173 of the said village. He dug a bore-well in survey No.174/2 for irrigating the lands, allegedly after obtaining permission. Some of the villagers lodged a complaint with the second respondent under A.P. Water, Land and Trees Act, 2002 (the Act, for brevity) alleging that the petitioner dug the bore-well near public drinking water source. Therefore, the second respondent conducted enquiry on 30.5.2006 and submitted a repot on 02.6.2006 to the first respondent informing that the petitioner drilled five bore-wells, which were failed, and therefore, he dug the bore-well in survey No.174/2 at a distance of 33 meters from the existing drinking water bore-well situated in survey No.174/1 of Rekulakunta village. The first respondent also informed that he has seized the bore-well under a cover of panchanama.

Aggrieved by the seizure of the bore-well, the petitioner preferred an appeal before the District Collector, Ananthapur – first respondent herein; under Section 33 of the Act. By proceedings dated 08.6.2006, the District Collector stayed the action of the Mandal Revenue Officer (MRO), Madakasira Mandal – second respondent herein. However, subsequently, by proceedings dated 09.1.2007, the first respondent vacated the said interim order and dismissed the appeal. Aggrieved by the said order, the present writ petition is filed.

Learned Counsel for the petitioner submits that the MRO seized the bore-well without giving any notice to the petitioner and that the District Collector made an error in dismissing the appeal itself when the stay application was heard. This Court finds force in the submission. A perusal of the proceedings of the District Collector would show that he was basically considering the stay petition filed by the petitioner and not the appeal. On this reason alone, this Court is of considered opinion that the District Collector should re-hear the appeal, after giving an opportunity to the petitioner. Accordingly, the impugned proceedings of the District Collector, insofar as the same dismisses the appeal of the petitioner filed against the orders of the MRO dated 02.6.2006, are set aside. The matter is remitted to the District Collector, Ananthapur, for disposing of the appeal on merits, after giving an opportunity of hearing to the petitioner, within a period of eight (8) weeks from the date of receipt of a copy of this order.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

(**V.V.S.RAO,J**)

February 13, 2007.

NOTE:

Dispatch order copy by
15.2.2007.
(By order)
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